REGULAR SESSION

Mayor Brennler called the meeting to order at 6:03 p.m. and Council Member Clay led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Luna, Béraud and Mayor Brennler
Absent: Council Member O’Malley (excused)
Others: Administrative Assistant Shannon Sims
Staff Present: City Manager Wade McKinney, Public Works Director Steve Kahn, Acting Lieutenant Brian Dana and City Attorney Brian Pierik

APPROVAL OF AGENDA:

MOTION: By Council Member Luna and seconded by Council Member Clay to approve the agenda. 
Motion passed 4:0 by a roll-call vote.
PRESENTATION:

1. Veterans Memorial Update

Colonel Bill Hatch, Veteran’s Memorial Committee, presented a PowerPoint update on the progress of the Veteran’s Memorial Project. He expressed appreciation to all of the hardworking volunteers that have made this project possible. Col. Hatch answered questions of the Council.

Chuck Ward, Veteran’s Memorial Committee, informed the Council that 100% of all electric components will be donated to the Memorial by a lighting company. He thanked the construction industry for their contributions and asked that any inquiries about contributing be referred to (805) 423-5482.

A. CONSENT CALENDAR:

   ▪ City Clerk Recommendation: Council approve the City Council Meeting Minutes of March 11, 2008. [City Clerk]

   ▪ City Clerk Recommendation: Council approve the City Council Meeting Minutes of March 25, 2008. [City Clerk]

   ▪ Fiscal Impact: None
   ▪ Recommendation: Council approve the City Treasurer’s report for January 2008. [Treasurer]

David Broadwater pulled Consent Items #1 and #2.

MOTION: By Council Member Clay and seconded by Council Member Luna to approve Consent Item #3. 
Motion passed 4:0 by a roll-call vote.

David Broadwater said he has comments, not corrections, to Consent Items #1 and #2. He referred to questions he had asked in both the March 11th and 25th Council Meetings that are still not addressed.

City Manager Wade McKinney responded that there are no discussions or information to report on with regards to Impact Development Fees for the Del Rio project.

City Attorney Brian Pierik said he would look into the circulation of the memo Mr. Broadwater referred to.
MOTION: By Mayor Pro Tem Béraud and seconded by Council Member Clay to approve Consent Items #1 and #2.

Motion passed 4:0 by a roll-call vote.

COMMUNITY FORUM

Mitch Paskin, resident on San Marcos Road, informed Council that he intends to start an initiative to get a road cut from Oakridge Estates down to Highway 41. He requested help from staff with accessing documents and inquired how the Council can help stop Castlerock’s construction.

Joan O’Keefe, stated she is again requesting to know who is responsible for enforcing deed restrictions on the Printery. She quoted a letter to the editor by Lee Perkins regarding the Printery.

Lee Perkins, representative of Oppose WalMart and the Shield Initiative, encouraged the City Clerk to finish checking signatures by Thursday, June 12th. She stated that the City Clerk took less time checking signatures on the petition submitted last year.

Eric Greening, asked to agendize the preparation of an Ordinance requiring all meetings that are not Closed Session be recorded by audio or video, and to take an interim step of creating a policy until that ordinance takes effect.

David Broadwater, referred to intimidation, harassment and threats by Council Members and asked for a written declaration and acknowledgement of what was heard at the Public Trust Meeting. He passed out a formal complaint to Council. (Exhibit A)

Bob Wilkins, lifetime resident and business owner, thanked Bill Hatch for the magnificent job he has done. He quoted from Dr. Watkins comments and encouraged Council to put aside their selfish wants and save our City. He suggested that the economic survey be cancelled, thus saving $100,000 and asked Council to give staff positive direction to move forward with WalMart.

Nora Trinicosta, complimented the Veteran’s Memorial Committee. She referred to the UCSB Economic Forecast and stated that she saw a lot of things that did not seem so negative. Ms. Trinicosta said she finds the timing of the report suspicious, since we are going into an election season and urged Council to adopt the Shield Ordinance.

Tom Comar, stated he was an eye witness to Council Member O’Malley’s threats towards the Mayor and he supports David Broadwater’s suggestions. He said he found the UCSB Forecast report to be a politically useful document, not a planning document.

Heather Moreno, stated that she was in attendance at the Public Trust Meeting and does not agree with people painting Council Member O’Malley as an unprovoked bully and expressed her hopes that more attention is not paid to it.
Joanne Main, relayed that the first of the Tuesday Evenings in the Park barbecues is set for June 17th and will benefit the Atascadero Firefighter’s Association. She also mentioned the upcoming Atascadero Wine Festival on June 21st at Atascadero Lake Park. Ms. Main stated that the Chamber has done the economic forecasts for 8 years now, and they are always held on the same date, by a reputable company and are in no way political.

Ron Walters, expressed his opinion that the Anti-WalMart group needs to register as a group and expose their influence. He urged Council to run professional meetings and refrain from making disparaging remarks.

Ann Hatch, expressed her embarrassment that our City Council is the subject of such discussion. She stated she’s tired of hearing accusations from groups and those same groups providing no suggestions. Ms. Hatch encouraged Council to reach out to the public and to work together.

Tom McGee, resident since 1970, commented on the lack of jobs in the City and the expense of living in this area. He encouraged Council to put time, energy and creativity into making our City bigger and stronger.

Al Fonzi, referred to the times when Atascadero was part of the County and remembered the length of time emergency responses took. He commented that we already have 12-13 minute response times and does not want to see that increase.

**Mayor Brennler closed the Community Forum period.**

Mayor Brennler directed Mr. Paskin to see City Clerk, Marcia McClure Torgerson, for help with acquiring public documents and for questions about initiatives.

City Attorney Brian Pierik addressed Ms. O'Keefe’s questions. He said according to the deed, the City has the power to enforce the conditions on the Printery owner.

City Manager Wade McKinney said that the Printery is scheduled for a future agenda. He assured Ms. Perkins that the checking of signatures will be completed within the 30-day time period.

**There was Council consensus to have a staff report brought back on options and costs associated with audio taping all meetings.**

Mayor Brennler stated that he forgives Council Member O'Malley for what happened and wants to move forward. He did state, however, if something like that were to occur again, he thinks Council would need to address the issue. Mr. Brennler encouraged Council to read and review the points in the binder pertaining to conduct.
Council Member Clay said that Council Member O’Malley’s comments were out of frustration, not anger. He encouraged Council to move beyond it.

Mayor Pro Tem Béraud stated she thinks that we all have insecurities and strengths but the high road is needed to be taken. She said she hopes Council Member O’Malley will apologize and she is willing to let bygones be bygones.

Council Member Luna stated he thinks the expectation is that Council be as professional as staff, and staff has the desire for Council to come together. He said he concurs with what everyone has said about coming together and working together.

Council Member Clay said he thinks that staff is more professional than Council is at this time.

Council Member Luna expressed discontent with the UCSB Economic Report. He stated that he doesn't doubt the numbers but questions the political nature. He cited numerous sections of the report that he questioned. Mr. Luna said he agrees Council needs to come together.

Council Member Clay stated in regards to the Rottman Group, he believes their feeling was that their project would not work without an anchor.

Mayor Brennler commented that he was a little disappointed with the report because he thought the report was injected with quite a few political points.

B. PUBLIC HEARINGS

1. Ordinance to Amend City’s Smoking Ordinance to Include Prohibition of Smoking at Atascadero State Hospital
   ▪ Disclosure of Ex Parte Communications
   ▪ Fiscal Impact: None.
   ▪ Recommendation: Council introduce for first reading by title only, the Draft Ordinance adding Section 8 to Title 6, Chapter 6 of the Atascadero Municipal Code providing for the prohibition of smoking at the Atascadero State Hospital. [Police and City Attorney]

City Attorney Brian Pierik gave staff report and answered questions of the Council.

Ex-Parte Communications:

- Mayor Brennler stated he attended the Atascadero State Hospital Advisory Board on May 29th and advised the Board of the status of this amendment and that it was anticipated to go before the Council tonight.
PUBLIC COMMENT

Jon DeMorales, Atascadero State Hospital, addressed the Bill that was spoken about and asked that Council proceed with approval of the proposed Ordinance.

Mayor Brennler closed the Public Comment period.

MOTION: By Council Member Luna and seconded by Mayor Pro Tem Béraud to introduce for first reading by title only, the Draft Ordinance adding Section 8 to Title 6, Chapter 6 of the Atascadero Municipal Code providing for the prohibition of smoking at the Atascadero State Hospital. Motion passed 4:0 by a roll-call vote.

C. MANAGEMENT REPORTS

1. Final Map 2007-0156 (Tract 2733) 6905 El Camino Real (TTM 2005-0071 Amendment) Colony Square (James Harrison/Community Redevelopment Agency of Atascadero)
   
   ▪ Fiscal Impact: None.
   ▪ Recommendations: Council:
      1. Adopt and Approve Final Map 2007-0156 (Tract 2733); and,
      2. Accept offer of dedication for Capistrano Avenue.
      3. Reject, without prejudice to future acceptance, the offer of dedication for easements for sewer and storm drain on behalf of the Public.
      4. Order the abandonment, in Accordance with Government Code Section 66499.20-1/2 with the filing of the map, of the offer of dedication for Public Highway and incidental purposes, recorded January 17, 1922, in Book 150 of Deeds at Page 110, the easements for sewer pipeline purposes to the Atascadero County Sanitation District per the documents recorded March 3, 1970, in Book 1556 of Official Records, At Pages 89 and 91, The easement for sewer line purposes as granted to the City of Atascadero by deed recorded October 19, 1990, in Book 3598 of Official Records at Page 65, and the easements for Public Utility, Storm Drain and Sewer Line purposes per Parcel Map at 85-225 as recorded February 29, 1988, in Book 43 of Parcel Maps at Page 8, and the same.
      5. Authorize and direct the City Clerk to endorse the City Council’s approval on the map.
      6. Authorize City Manager to sign a Subdivision Improvement Agreement for improvements associated with Final Map 2007-0156. [Public Works]
Public Works Director Steve Kahn gave the staff report and answered questions of the Council.

PUBLIC COMMENT - None

MOTION: By Council Member Luna and seconded by Council Member Clay to:

1. Adopt and Approve Final Map 2007-0156 (Tract 2733); and,
2. Accept offer of dedication for Capistrano Avenue; and,
3. Reject, without prejudice to future acceptance, the offer of dedication for easements for sewer and storm drain on behalf of the Public; and,
4. Order the abandonment, in Accordance with Government Code Section 66499.20-1/2 with the filing of the map, of the offer of dedication for Public Highway and incidental purposes, recorded January 17, 1922, in Book 150 of Deeds at Page 110, the easements for sewer pipeline purposes to the Atascadero County Sanitation District per the documents recorded March 3, 1970, in Book 1556 of Official Records, At Pages 89 and 91, The easement for sewer line purposes as granted to the City of Atascadero by deed recorded October 19, 1990, in Book 3598 of Official Records at Page 65, and the easements for Public Utility, Storm Drain and Sewer Line purposes per Parcel Map at 85-225 as recorded February 29, 1988, in Book 43 of Parcel Maps at Page 8, and the same; and,
5. Authorize and direct the City Clerk to endorse the City Council’s approval on the map; and,
6. Authorize City Manager to sign a Subdivision Improvement Agreement for improvements associated with Final Map 2007-0156.

Motion passed 4:0 by roll-call vote. (Item #C-1.6 Contract 2008-016)

2. Agreement between the City of Atascadero and Colony Square Regarding the Recording of Master CC&R’s for Tract 2733
   - Fiscal Impact: None.
   - Recommendation: Council authorize the City Manager to execute an Agreement between the City of Atascadero and Colony Square regarding the recording of Master CC&Rs for Tract 2733. [Public Works]

Public Works Director Steve Kahn gave the report and answered questions of the Council.

PUBLIC COMMENT - None
MOTION: By Council Member Luna and seconded by Council Member Clay to authorize the City Manager to execute an Agreement between the City of Atascadero and Colony Square regarding the recording of Master CC&Rs for Tract 2733. *Motion passed 4:0 by a roll-call vote. (Item #C-2 Contract 2008-014)*

3. Streetscape Phase Ila Award (City Bid No. 2008-005)
   - **Description:** Construction of Improvements at Palma and Traffic Way and Virginia Plaza Crosswalk.
   - **Fiscal Impact:** $730,161.20 in budgeted redevelopment funds.
   - **Recommendation:**
     1. Authorize the City Manager to execute a contract in the amount of $730,161.20 with Granite Construction Incorporated to construct the improvements at Palma and Traffic Way and Virginia Plaza Crosswalk; and,
     2. Authorize the Public Works Director to file a notice of completion after the project is finished. [Public Works]

Public Works Director Steve Kahn presented the staff report and answered questions of the Council.

**PUBLIC COMMENT**

Steve Martin, asked if the construction on Phase Ila would be finished prior to the Holiday season and also inquired what the plan for traffic is during construction.

Public Works Director Steve Kahn said the construction will be finished before the Holiday season and relayed traffic information.

*Mayor Brennler closed the Public Comment period.*

**MOTION:** By Council Member Luna and seconded by Council Member Clay to authorize the City Manager to execute a contract in the amount of $730,161.20 with Granite Construction Incorporated to construct the improvements at Palma and Traffic Way and Virginia Plaza Crosswalk and authorize the Public Works Director to file a notice of completion after the project is finished. *Motion passed 4:0 by a roll-call vote. (Item #C-3.1 Contract 2008-015)*
COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member Clay commented that he thinks one of the Council’s downfalls is that they over-study things.

Mayor Brennler stated that Council Member Luna, City Manager Wade McKinney and himself attended the League of California Cities Executive Forum and leadership workshops. He also thanked the community for their patience with the Highway 101/41 project.

Public Works Director Steve Kahn announced US 101 will be closed from June 16 – 27, weekdays, from 9:00 p.m. – 5:00 a.m. He stated that the closure areas will be Northbound, from Curbaril off ramp to the Rosario off ramp, and Southbound, from Traffic Way off ramp to Curbaril off ramp. Mr. Kahn answered questions of the Council.

Mayor Brennler thanked Heather Young Curry for her efforts with the Annual Atascadero Art Tour event. He also thanked the Atascadero Police Department and law enforcement for participation in the Special Olympics torch run.

City Manager Wade McKinney, on behalf of Council Member O’Malley, announced the appointment of Heather Moreno to the Planning Commission and read a brief biography about her.

PUBLIC COMMENT

Heather Moreno, thanked Council for the opportunity to serve on the Planning Commission.

Mayor Brennler closed the Public Comment period.

1. Mayor Pro Tem Béraud & Council Member O’Malley
   Update on Building Public Trust Program

City Manager Wade McKinney read a prepared statement from Council Member O’Malley.

Mayor Pro Tem Béraud stated that the committee goals were to talk about how to implement a public trust program and the steps and timeline. She said they would like further clarification from the Council.

A brief discussion ensued among Council Members regarding the Building Public Trust programs.
PUBLIC COMMENT

David Broadwater, said there are four things he’d like to see addressed this evening: pursuing an ordinance that puts caps on campaign contributions; caps of campaign expenditures; criteria for recusal of City Council Members; and criteria and requirements for transparency. He also stated that he thinks all meetings should be taped.

Joanne Main, announced that the Chamber has secured a couple of dates in October to do a candidates forum and a debate.

Joan O'Keefe, suggested having more structure and incorporating microphones in the next public meeting set up. She also stated that the Facilitator needs to control the meeting better and be able to stand up to the strong personalities of some Council Members.

Heather Moreno, Planning Commissioner, commented on finance and campaign reform. She asked for clarification on caps on contributions and expenditures.

Tom Comar, stated he is a supporter of campaign finance reform. He said he supports separating campaign finance reform from the public trust issue and moving forward with it.

Sandy Jack, stated he is opposed to separating finance reform from overall campaign reform.

*Mayor Brennler closed the Public Comment period.*

Mayor Pro Tem Béraud suggested giving direction to City Clerk/Assistant to the City Manager Marcia McClure Torgerson to research posting 460 forms on the web site.

City Attorney Brian Pierik stated that posting 460’s on the web site can be done but there might be some limitations in terms of what information on a 460 can be disclosed. He answered questions of Council regarding campaign finance.

*There was Council consensus to pursue the committee’s recommendations and consensus to have staff research and return with the issue of posting the 460’s online.*

Council Member Clay stated he does not think having campaign finance reform brought back is necessary.

*There was Council consensus to have staff bring back campaign finance reform as a Management Report or discussion item on a variety of different ways to pursue campaign finance reform.*
D. COMMITTEE REPORTS

Mayor Pro Tem Béraud commented that she saw Superintendent John Rogers at a school event and he was recovering well from his injury and is back to work.

Mayor Brennler

County Mayor’s Round Table – Meeting at the end of the week.

Finance Committee – Minutes have been prepared from the last meeting and are available for public viewing.

E. INDIVIDUAL DETERMINATION AND/OR ACTION

Mayor Pro Tem Béraud announced she has summarized her comments about the Economic Forecast and will be submitting them to the Atascadero News and The Tribune.

Council Member Clay complimented Mayor Pro Tem Béraud on the job she did relaying her comments in a positive manner. He stated that sooner or later the City is going to run out of funds and we need to address this issue.

Council Member Luna stated that retail sales tax has been a real problem in Atascadero for many years. He commented on the importance of the Economic Development Strategy.

City Manager Wade McKinney mentioned the Economic Development Strategy is currently being updated. He stated that interviews are taking place and efforts to assemble focus groups are being made for June 26th-27th. Mr. McKinney said the survey is completed and should be out in the mail within the next couple of days.

F. ADJOURNMENT

Mayor Brennler adjourned the meeting at 9:29 p.m.

MINUTES PREPARED BY:

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Shannon Sims, Deputy City Clerk